

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

0.905 ACRES, MORE OR LESS,  
SITUATED IN ADAIR COUNTY,  
STATE OF MISSOURI; CHAD D.  
SAMPSON AND MACKENZIE D.  
SAMPSON, HUSBAND AND WIFE;  
COUNTY OF ADAIR, MISSOURI;

1.205 ACRES, MORE OR LESS,  
SITUATED IN ADAIR COUNTY,  
STATE OF MISSOURI, THE BURK  
SUBDIVISION HOMEOWNERS  
ASSOCIATION, et al.,

Defendants.

Case No. 2:22 CV 25 CDP

**MEMORANDUM AND ORDER**

On April 19, 2022, plaintiff United States of America filed its Complaint and Declaration of Taking (ECF 1, 1-1) in this condemnation action, identifying *inter alia* the tracts of affected land, the estates taken, and the interested parties in one or more of the properties. The Complaint named the interested parties as defendants to the action. Schedule C of the Declaration of Taking contained legal descriptions of the land taken through condemnation. Schedule D of the Declaration of Taking contained a plat showing the land taken.

On May 24, 2022, the United States and defendants Chad D. Sampson and MacKenzie D. Sampson stipulated to the sum of \$26,000 as full and just compensation for the Sampsons' interest in the described subject property and in full satisfaction of all claims of any nature by the Sampsons against the United States. (ECF 14.) The United States deposited \$26,000 into the registry of the Court, and the Clerk of Court distributed said sum plus interest to the Sampsons in accordance with the stipulation and my order of distribution. (ECF 18.) Pursuant to the stipulation, the Sampsons were then dismissed from this action with prejudice.

In the meanwhile, all other named defendants disclaimed their interests in the properties that were described in the United States' original Complaint and Declaration of Taking, with the final notice of disclaimed interest being filed June 23. (*See* ECF 11, 12, 15, 16, 19, 20, 21, 22.)

With all remaining defendants having disclaimed their interests in the described properties, I entered an Order on June 24 directing the United States to submit a proposed Order of Final Disposition of all parties and claims, including appropriate dismissals and, if necessary, a proposed judgment under 40 U.S.C. § 3114(c)(1). On June 28, however, the United States filed a "Notice of Amendments to Schedules C and D of Declaration of Taking," averring that since filing its original Complaint and Declaration of Taking, it "discovered certain errors in the legal description" set out in Schedule C. (ECF 24.) Amended Schedule C corrects the legal descriptions. Amended Schedule D is an updated survey of the property reflecting the corrected

legal descriptions. There is no indication that the United States served this Notice or the Amended Schedules upon any of the defendants named in this action.

Given that the Sampsons' stipulation to just compensation was for the "property described in the Declaration of Taking" (ECF 14-1 at ¶ 3), and the other defendants disclaimed their interest in the property described in the original Declaration of Taking, and the legal descriptions of the property have now changed, I will order the United States to serve its Notice of Amendments and its Amended Schedules C and D on all named defendants in this action, including the Sampsons. I will also order the United States to serve upon all named defendants its Proposed Order of Final Disposition (ECF 25), which acknowledges the Amended Schedules. The Sampsons shall have twenty-one days after being served to move to set aside this Court's Order Accepting Stipulation of Just Compensation. The remaining defendants shall have twenty-one days after being served to amend their respective disclaimers of interest, or to appear or answer under Rule 71.1(e), Federal Rules of Civil Procedure. All defendants may file in the alternative a notice indicating that the Amended Schedules C and D have no effect on their earlier filed notices and/or stipulation of claimed or disclaimed interests.

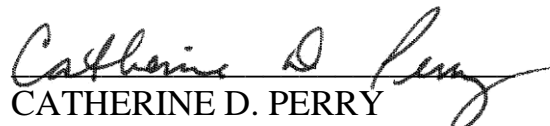
Accordingly,

**IT IS HEREBY ORDERED** that, **FORTHWITH**, plaintiff United States of America shall serve the following documents upon all named defendants in this action:

- Notice of Amendments to Schedules C and D of Declaration of Taking (ECF 24),
- Amended Schedules C and D (ECF 24-1),
- Proposed Order of Final Judgment (ECF 25), and
- a copy of this Memorandum and Order.

**IT IS FURTHER ORDERED** that within twenty-one (21) days after being served with the above documents, defendants Chad D. Sampson and MacKenzie D. Sampson may file either 1) a motion setting aside this Court's Order Accepting Stipulation of Just Compensation, or 2) a notice that Amended Schedules C and D have no effect on their claimed interest in and disposition of the subject properties as earlier stipulated by and between them and the United States.

**IT IS FURTHER ORDERED** that within twenty-one (21) days after being served with the above documents, all remaining defendants may either 1) amend their respective disclaimers of interest, 2) appear or answer under Federal Rule 71.1(e), or 3) file a notice that Amended Schedules C and D have no effect on their earlier filed notice(s) of disclaimed interest in the subject properties.

  
CATHERINE D. PERRY  
UNITED STATES DISTRICT JUDGE

Dated this 6th day of July, 2022.